



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **AOYAMA, Susumu, et al.**

Group Art Unit: **2622**

Serial No.: **10/826,501**

Examiner: **WHIPKEY, Jason T.**

Filed: **April 19, 2004**

P.T.O. Confirmation No.: **1350**

For. **ELECTRONIC DEVICE, PHOTOGRAPHING CONTROL METHOD,  
PHOTOGRAPHING CONTROL PROGRAM, AND INTEGRATED CIRCUIT**

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 29, 2010

Sir:

The applicants respectfully request European Office Action, mailed February 17, 2009, for counterpart European Patent Application 04252410.8 be placed in the application file.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

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DC/kn

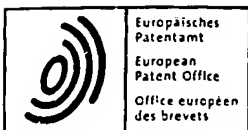
Atty. Docket No. **040075**  
Suite 400  
1420 K Street, N.W.  
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**23850**

PATENT & TRADEMARK OFFICE

Enclosure: European Office Action



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Application No. 04 252 410.8 - 2209	Ref. P101319EP00/DNL	Date 17.02.2009
Applicant FUJITSU LIMITED		

#### Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

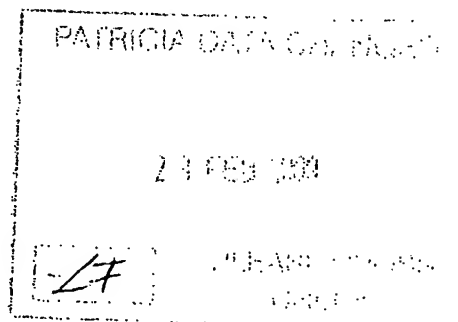
from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).**



Rückerl, Ralph  
Primary Examiner  
For the Examining Division

Enclosure(s): 1 page/s reasons (Form 2906)



The examination is being carried out on the following application documents:

**Description, Pages**

1, 2, 4-36, 38-46	as originally filed			
47	received on	24.04.2006	with letter of	19.04.2006
3, 3a, 37	received on	31.10.2007	with letter of	30.10.2007

**Claims, Numbers**

1-9	received on	31.10.2007	with letter of	30.10.2007
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**Drawings, Sheets**

1/22-22/22	as originally filed
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The following document is referred to: **D7: WO2005/013606A2**

Since the embodiment corresponding to figure 8 and pages 29-35 of **D7** is already disclosed in priority document **JP2003-285925** (see figure 6), its disclosure has to be regarded as relevant for the assessment of novelty, according to Article 54(3) EPC.

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1. **Claim 1** is not novel in the sense of Article 54(3) and (4) EPC.

Document **D7** (figures 1, 2, 8) discloses an electronic device (1) having an imaging part (13) which is arranged to catch an image obtained through an optical system (2, 12), and a focusing mechanism (11) which is arranged to move the optical system to an auto-focusing position or a fixed focus position, comprising:

- i) a switch (9) that functions as a focusing switch ordering the focusing mechanism a focusing action and also functions as a shutter switch ordering taking of an image caught by the imaging part, the switch being capable of ordering the focusing action (figure 8: step C04; page 30, line 20-22) or the taking of the caught image (step C06; page 31, line 11 - page 32, line 13) by being operated; wherein
- ii) a control part (22) that decides whether or not a final lens position has been reached (step C08; page 31, lines 12-15), and in the case in which a final lens position has not been reached, detects that a shutter operation of the switch is performed during the focusing action of the focusing mechanism due to the switch (step C08; page 32, line 5-9), and in this case switches the optical system to the fixed focus position from the auto-focusing position to take a fixed focus image (step C09; page 32, lines 9-13).

2. The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent **claims 6, 8, 9** which therefore are also considered not novel.